IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDA, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C.BHANU
WRIT PETITION No: 2833 of 1996

Between:
Ch.L.Narasimha Rao, S/o.Sri Narasimham,
Aged 44 years, H.No.23/266, Pendemvari St.,
Fathekhanpet, Nellore ..
Petitioner

AND

1. A.P. State Road Transport Corporation Reptd. By its
Vice Chairman Managing Director, Musheerabad,
Hyderabad-500 020
2. Dy. Chief Traffic Manager, A.P.S.R.T.C.,
Nellore Region, Nellore.
3. Deport Manager, A.P.S.R.T.C.,
Nellore Bus Depot-II, Nellore ..
Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus or any other appropriate order or directions calling for the records relating to the Order No.E.1/138(3)/88-NLR-II, dated 5.9.1989 on the file of the 3rd respondent as confirmed by the 2nd respondent in his Proceedings No.St/2(9)/89/DVM(NLR)/St/19(300)/96/Dy.CTM(NLR),

dated 16.12.1996 and set aside the same.

Counsel for the Petitioner: MR.G.RAMACHANDRA RAO

Counsel for the Respondents: MR.P.VENKATESWARULU, S.C for RTC

The Court Mate the Following:

HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.28337 of 1996

ORAL ORDER:

This writ petition is filed challenging the order No.E.1/138(3)/88-NLR-II, dated 5.9.1989 passed by the 3rd respondent imposing punishment of reducing the pay of the writ petitioner by two incremental stages for a period of two years which will have the effect in future increments.

A charge sheet has been issued to the writ petitioner on the allegation that he entered the C.I's room along with other NMU workers at about 19:30 hours on 25.11.1988 without permission and behaved in high-handed manner using abusive, inflammatory, threatening and

insubordinate language. A regular departmental enquiry was conducted against the writ petitioner. The same has been accepted by the disciplinary authority, who passed the impugned order. In an appeal preferred by the petitioner, the same was confirmed by the 2nd respondent. Aggrieved by the same, this writ petition is filed.

It is contended by the learned counsel for the writ petitioner that the copy of the enquiry report and also the copies of the statements recorded in the enquiry have not been furnished to the delinquent-writ petitioner and therefore, the entire enquiry is vitiated by irregularities.

The counsel for the respondents opposed the same and contended that there are no grounds to interfere with the well reasoned order passed by the authorities.

Perused the material available on record.

For the show cause notice for proposed punishment, dated 2.2.1989 issued by the 3rd respondent, the writ petitioner filed an explanation. It is not stated in the show cause notice about the non-receipt of enquiry report or non-furnishing of statement of witnesses recorded during the course of enquiry. So also, the petitioner has not mentioned in his explanation about violation of principles of natural justice in conducting the

enquiry. It is only alleged that the findings of the Enquiry Officer are based upon colluded and self-based evidence produced by the complainant. Unless the writ petitioner shows that the enquiry is vitiated by any *mala fides* or violation of principles of natural justice, the arguments of the learned counsel for the petitioner cannot be accepted at this stage. As the enquiry does not suffer from any legal infirmities or lack of jurisdiction, this Court will not normally interfere with the departmental proceedings which are exclusively within the domain of the management.

With regard to the punishment imposed, unless the writ petitioner shows that the punishment imposed is totally disproportionate to the proved misconduct, this Court will not interfere with such punishment. Considering the allegations levelled against the petitioner, the punishment of stoppage of two increments which will have effect in future increments cannot be considered to be severe or disproportionate to the proved misconduct. Therefore, there are absolutely no grounds to interfere with the punishment imposed on the writ petitioner by the disciplinary authority as confirmed by the appellate authority.

However, it is brought to the notice of this Court that the petitioner retired from service on medical grounds with

effect from 28.2.2004 but retirement benefits of the petitioner have not been settled so far. Perhaps the retirement benefits might not have been settled in view of the pendency of this writ petition.

In view of the facts and circumstances of the case, it seems appropriate that a direction can be given to the respondents to settle the terminal benefits of the writ petitioner within a period of two months from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the aforementioned direction. In the circumstances of the case, there shall be no order as to costs.

ASSISTANT REGISTRAR

16th June, 2004

//TRUE COPY//

SECTION OFFICER

To,

1. A.P. State Road Transport Corporation Reptd. By its
   Vice Chairman Managing Director, Musheerabad,
   Hyderabad-500 020
2. Dy. Chief Traffic Manager, A.P.S.R.T.C.,
   Nellore Region, Nellore.
3. Deport Manager, A.P.S.R.T.C.,

Nellore Bus Depot-II, Nellore

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